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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/089,815      | 07/01/2002  | Jonathan Sharp       | 367.41537X00        | 5578             |

20457 7590 12/30/2005

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EXAMINER

PHU, SANH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/089,815 | <b>Applicant(s)</b><br>SHARP, JONATHAN |  |
|                              | <b>Examiner</b><br>Sanh D. Phu       | <b>Art Unit</b><br>2682                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14, 15 and 20-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 14, 15 and 20-40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This Office Action is responsive to the Applicant's Response filed on 12/7/05. Accordingly, claims 14, 15 and 20-40 are currently pending.

#### *Claim Rejections – 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14, 15, 20-28, 30-35, 37-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Uchida (6,161,026), newly-cited.

-Regarding to claims 14 and 37, see figures 1, 2, 3a and 3b, and col. 3, line 50 to col. 6, line 30, Uchida discloses a method and associated system (see figure 1) comprises:

a user input comprising a key(10) having a first function of performing a shortcut to a predetermined menu (ALARM SETTING) when the

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device is in a first state (WAITING STATE (CLOCK DISPLAY)) (see (SCREEN A, SCREEN B) of figure 3A) and a second function of getting back to the first state and displaying (CLOCK DISPLAY) when the device is not in the first state (see (SCREEN I, CLOCK DISPLAY) of figure 3B) ;

a processor (including (3, 9)) for determining the state of the device and for performing the first function in response to a first mode (MENU SELECTION MODE) of operation of the key (see figures 1 and 2, col. 3, line 65 to col. 4, line 10, col. 4, line 65 to col. 5, line 13); and

wherein the second function is a change of state of the device to the first state (see (SCREEN I, CLOCK DISPLAY) of figure 3B), and the predetermined menu comprises a list of first level menu items (e.g., SE ALARM, etc.).

-Regarding to claim 15, Uchida discloses that the first state is an idle state (WAITING STATE) (see (SCREEN A) of figure 3A ).

-Regarding to claims 20 and 34, Uchida discloses that the first level menu items include settings (see (SCREEN B) of figure 2A).

-Regarding to claim 21, Uchida discloses that the predetermined menu comprises a second level menu (e.g., (SET TIMER) (see (SCREEN B) of figure 3A)).

–Regarding to claim 22, Uchida discloses that the predetermine menu comprises a second level menu (e.g., (SET TIMER) (see (SCREEN B) of figure 3A)).

–Regarding to claims 23, 32 and 33, Uchida discloses that the key has a third function (e.g. ALERT SETTING, (see (SCREEN E) of figure 3B) and the processor performs the third function in response to a second mode (MENU SETTING MODE) of operation of the key (see figures 2 and 3B).

–Regarding to claim 24, Uchida discloses that the third function is associated with a second state (e.g., (MENU SETTING MODE (A UTOMATIC SCROLL OF MENU SCREEN), (see figure 2))) of the device; the key has a fourth function of determining a selection associated with a third state (e.g., (DETERMINATION OF MENU), (see figure 2)) of the device; and the processor performs third or fourth functions in response to the second mode of operation of the key, depending upon a state of the device (see figures 2 and 3B).

–Regarding to claims 25 and 26, Uchida discloses that the processor determines the mode of operation of the key by a duration of operation (see col. 4, lines 12–27).

–Regarding to claims 27 and 28, Uchida discloses that the first mode of operation has a duration less than a predetermined threshold (see col. 4, lines 12–27).

–Regarding to claim 30, Uchida discloses that one of the function is to turn or switch off current thru the switch (10) of the device (see figure 1).

–Regarding to claim 31, Uchida discloses that the system is a radio call receiver device (see col. 3, lines 44–46).

–Regarding to claim 35, Uchida discloses that the key is provided by a position of switch (10) as a multi-positional device (see figure 1).

–Regarding to claim 38, as similar applied to claims 14 and 37, see figures 1, 2, 3a and 3b, and col. 3, line 50 to col. 6, line 30, Uchida discloses a computer program comprising program instructions for operation of a portable device and the computer program being stored in (9) when loaded onto a processor (including (3)), causing the processor to perform a method (see col. 4, lines 7–10) wherein the method (see figure 1) performing:

step (11) of detecting actuation of a user input comprising a key (10) having a first function of performing a shortcut to a predetermined menu (ALARM

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SETTING) when the device is in a first state (WAITING STATE (CLOCK DISPLAY)) (see (SCREEN A, SCREEN B) of figure 3A) and a second function of getting back to the first state and displaying (CLOCK DISPLAY) when the device is not in the first state (see (SCREEN I, CLOCK DISPLAY) of figure 3B);

step (3) of determining the state of the device (see figures 1 and 2, col. 3, line 65 to col. 4, line 10, col. 4, line 65 to col. 5, line 13);

step (3) of selecting one of the first function and the second function in accordance with the determined state of the device (see figures 1 and 2, col. 3, line 65 to col. 4, line 10, col. 4, line 65 to col. 5, line 13); and

step (3) of performing the selected function (e.g., the first function) in response to a first mode (MENU SELECTION MODE) of operation of the key (see figures 1 and 2, col. 3, line 65 to col. 4, line 10, col. 4, line 65 to col. 5, line 13); and

wherein the second function of the user is input is a change of state of the device to the first state (see (SCREEN I, CLOCK DISPLAY) of figure 3B), and the predetermined menu comprises a list of first level menu items (e.g., SET ALARM, etc.)..

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-Regarding to claim 39, Uchida discloses a physical entity (9) embodying the computer program (see col. 4, lines 7-10).

-Regarding to claim 40, in Uchida, a variable electrical signal is inherently included for carrying the computer program to the processor when being loaded from to (9) to the processor (see (see col. 4, lines 7-10)). The variable electrical signal can be called as an electromagnetic carrier signal.

***Claim Rejections – 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchida.



–Regarding to claim 29, Uchida does not disclose that the key is a button.

However, Uchida discloses that the key is a switch (10) (see figure 1).

Implementing a switch with a button for easily being operated by a user is well-known in the art, and the examiner takes Official Notice. It would have been obvious for a person skilled in the art to implement switch (10) with a button for easily being operated by a user.

–Regarding to claim 36, Uchida does not disclose that switch (10) (see figure 1) as a multi-positional device is a joystick. Implementing a multi-positional device with a joystick for easily being operated by a user is well-known in the art, and the examiner takes Official Notice. It would have been obvious for a person skilled in the art to implement Uchida multi-positional device with a joystick for easily being operated by a user.

### ***Response to Arguments***

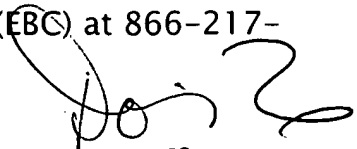
6. Applicant's arguments, filed on 12/7/05, have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

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